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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,781	04/20/2007	Heino Hamelers	P17248-US1	6589
27045	7590	07/21/2008		
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER BEHARRY, NOEL R	
			ART UNIT 4122	PAPER NUMBER
			MAIL DATE 07/21/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,781	<b>Applicant(s)</b> HAMELEERS ET AL.	
	<b>Examiner</b> NOEL BEHARRY	<b>Art Unit</b> 4122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04/20/2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/11/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/11/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This communication is in response to Application No. 10/595,781 filed April 20<sup>th</sup>, 2007, claims 1-18 have been cancelled by a preliminary amendment and claims 19-26 has been amended and examined.

2. Regarding the IDS filed 05/11/2006; the patent/document number listed for the US reference Melaku et al. is incorrect and has not been considered by examiner.

### ***Specification***

3. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

### ***Claim Objections***

4. Claims 20-22, 24-26 are objected to because of the following informalities: Listed dependency of claims are incorrect. For the purpose of examination, the examiner has interpreted claims 20-22 to be dependent on claim 19, and claims 24-26 to be dependent on claim 23. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 19-21, 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Nguyen et al. (Nguyen hereafter) (US 2004/0120477 A1).

Regarding claim 19, a method for providing multimedia information (message) associated with a calling party terminal (subscriber) to a called party terminal (telephone number called), the method, performed by a core network node (SCP) (Par: 0039-0040), comprising the steps of:

retrieving subscriber data (caller ID information) of the calling party (queries the database (112) for caller ID information associated with the telephone number called), wherein the subscriber data (caller ID information) comprises a demand for presenting the multimedia information (message): (The SCP then determines whether the telephone number is associated with a message) (Par. 0040)

receiving in the core network node (SCP) a call set up message (executes a trigger and submits a query) comprising an identification of the called (telephone number called), (Par. 0039-Par. 0040)

recognizing according to the subscriber data (caller ID information) and the received identification of the called (telephone number called) the demand for providing the multimedia information (message), (The SCP then determines whether the telephone number is associated with a message) (Par. 0040) and

providing the multimedia information (message) associated with the calling party (caller ID information) the called party's terminal (telephone number called). (If the telephone number associated with a message,...provides the message to the telephone) (Par. 0040)

Regarding claim 20, wherein the subscriber data (caller ID information) is related to an IN subscription (advance intelligent network, AIN) of the calling party (telephone 104 Fig. 1). (Par. 0019, Par. 0027, Par. 0032)

Regarding claim 21, this claim is substantially the same as claim 20, same rationale of rejection is applicable.

Regarding claim 23, this claim is substantially the same as claim 19, same rationale of rejection is applicable. Further limitations include:

means for (SCP accesses a database ... or may access a database on a separate computer, Par. 0025) storing or providing access to subscriber data (caller ID information) of the called (telephone number called), the subscriber data comprising an indication for a demand for presenting the multimedia information (message), (The SCP

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then determines whether the telephone number is associated with a message) (Par. 0040)

an interface for sending messages, (Transaction capabilities application part (TCAP) message over signaling system 7 (SS7) links) (Par. 0026)

an interface for receiving messages, (Transaction capabilities application part (TCAP) message over signaling system 7 (SS7) links) (Par. 0026)and

a processing system (application server) for processing said messages (query), the processing system being adapted to: (Par. 0039- Par. 0040)

process a received call set up message comprising an identification of the called or the calling party, (The SCP queries the database for caller ID information associated with the telephone number called.) (Par. 0040)

Regarding claim 24, this claim is substantially the same as claim 20, same rationale of rejection is applicable.

Regarding claim 25, this claim is substantially the same as claim 20, same rationale of rejection is applicable.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen in view of Cope et. al (Cope hereafter) (US 7,055,174 B1).

Regarding claim 22, Nguyen teaches,

the multimedia information (communication requests) is provided using a packet switched connection (STP 108 in Fig. 1). (Par. 0022)

Nguyen does not teach wherein,

the call set up message is appropriate for setting up a circuit switched call.

Core teaches wherein,

the call set up message is appropriate for setting up a circuit switched call. (Col 11, Line 16-18)

It would have been obvious to one of ordinary skilled in the art at the time the invention was made given the suggestions of Nguyen for providing custom caller ID messages, the teachings of Cope for wiretapping of packet based communications. One of ordinary skilled in the art would be motivated to combine the teachings of Nguyen with the teachings of Cope because Cope teaches a call setup message establishing a circuit switched call. It would have been obvious to combine them to allow Nguyen to have the ability to also use a call setup message to establish a circuit switched call.

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Regarding claim 26, this claim is substantially the same as claim 22, same rationale of rejection is applicable.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NOEL BEHARRY whose telephone number is (571) 270-5630. The examiner can normally be reached on Mon-Fri 7:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beatriz Prieto can be reached on (571)272-3902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NB/  
NOEL BEHARRY  
Examiner  
Art Unit 4122

**/Prieto, Beatriz/  
Supervisory Patent Examiner, Art Unit 4122**